<center>**REMARKS**</center>

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 15-39 are pending in the application, with Claims 15, 21, and 26 being independent. Claims 1-14 were withdrawn from consideration. Applicant amends Claims 15, 21, and 26 to further clarify features of the claimed subject matter. The original specification and drawings support these claim amendments at least at page 2, paragraph [0006], page 3, paragraphs [0014-0015], pages 5-6, paragraph [0017], and Figure 2. Therefore, Claims 15-39 are presented and directed to subject matter of the original disclosure.

CLAIM OBJECTIONS

Claims 15-25 stand objected for informalities. Without conceding the propriety of the rejection, Applicant amends independent Claims 15 and 21 to clarify the subject matter by amending "data" in the claims. Dependent Claims 16-20 and 22-25 depend from one of independent Claims 15 and 21, respectively, and are allowable by virtue of this dependency. Applicant respectfully submits that these claims comply, and as a result the objections are now moot.

CLAIM REJECTIONS OF 35 U.S.C. § 112

Claims 15-25 stand rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description. Applicant respectfully traverses this rejection.

Without conceding the propriety of the rejection, Applicant amends independent Claims 15 and 21 to clarify the subject matter. Dependent Claims 16-20 and 22-25 depend

from one of independent Claims 15 and 21, respectively, and are allowable by virtue of this dependency. Thus, no new matter has been introduced.

Applicant respectfully submits that these claims comply with §112, and as a result the rejections are now moot. Applicant respectfully requests that the §112 rejections be withdrawn.

CLAIM REJECTIONS OF 35 U.S.C. § 103

Claims 15-39 stand rejected under 35 U.S.C. § 103(a) as being obvious over Altova Inc. & Altova GmbH, "XML Spy Suite 4.4," User and Reference Manual Version 4.1 (hereinafter "XML Spy") in view of U.S. Patent No. 7,124,357 to Orr (hereinafter "Orr"), further in view of "XML, SOAP and Binary Data" to Bosworth et al. (hereinafter "Bosworth"). Applicant respectfully traverses the rejection.

Independent Claim 15

Without conceding the propriety of the rejection and only to advance the prosecution of this application, Applicant amends **independent Claim 15** to further clarify features of the claimed subject matter. Amended Claim 15 now recites (emphasis added):

> A computer-readable medium having computer executable instructions stored on a computing device including a data structure, comprising:
> **a sequence of one more data fragments, each data fragment having a different character encoding, the data fragment begins with a header indicating a character encoding and a length of data in a corresponding fragment;**
> **wherein the data fragments contain binary data;**
> a first data field encoded according to a first format, wherein the first format is XML; and
> a second data field referring to data encoded according to a second format, wherein the second format is JPEG;
> **wherein the first data field and the second data field are homogenized data according to a reference encoding format for presentation into a single electronic format;**

> wherein the reference encoding format defines how to map a sequence of octets into a lexical sequence of Unicode characters;
>
> wherein the homogenized data comprises combining within a single package data encoded as XML and embedded opaque binary data without having to perform character set-to-character set encodings, and avoiding data bloat;
>
> wherein the reference encoding format can be generalized to other formats; and
>
> wherein the reference encoding format can be split into parts.

Applicant respectfully submits that no such computer-readable medium is disclosed, taught or suggested by XML Spy, Orr, and/or Bosworth, alone or in combination.

References Do Not Teach or Suggest Claim 15

Applicant asserts the Office has no longer established a *prima facie* case of obviousness. As discussed during the interview, Applicant amends Claim 15 to further clarify features of the claimed subject matter. Applicant understands Examiner Campbell to tentatively agree that amended Claim 15 overcomes XML Spy, Orr, and/or Bosworth.

XML Spy describes a comprehensive and easy-to-use product family that facilitates all aspects of XML application development. *See,* page 2. XML Spy documentation describes a tutorial on how to use XML Spy for the major aspects of XML, including XML editing and validation, Schema/DTD (Document Type Definition) editing and validation, and XSL editing and transformation. *See,* page 2. XML Spy describes "switch[ing] the character-set encoding used by a file," implying that the XML Spy uses character-set encoding to encode the file. *See,* page 117. Furthermore, XML Spy describes converting the data into Unicode and specifying which character-set the file is currently encoded in. *See,* page 208. XML Spy also describes specifying the kind of character-set encoding to be used when creating new files, as well as the encoding to be assumed, when opening files that lack an encoding

declaration. *See,* page 303. The features in XML are different than the features as recited in Applicant's Claim 15.

Applicant submits that Orr fails to compensate for the deficiencies of XML Spy. Orr describes a computer program and method for the direct creation of a page having text and image components. *See,* abstract. More particularly, Orr is directed to a program for the creation of instructional books containing snapshots of computer screens. *See,* col. 1, lines 6-8. Orr describes automating the creation of pages in HTML, PDF, RTF, and any number of electronic formats. *See,* col 3, line 66- col 4, line 1.

Applicant submits that Bosworth fails to compensate for the deficiencies of XML Spy and/or Orr. Bosworth is directed towards creating a synthetic Infoset by merging two Infosets, or by merging plain text content into an Infoset (pg. 6). There is no mention or discussion of creating homogenized data without performing character set-to-character set encodings and avoiding data bloat, as recited in Applicant's Claim 15.

In the interest of expediting prosecution and as discussed during the interview, Applicant amends Claim 15 to further clarify features of the claimed subject matter. Applicant understands Examiner Campbell to tentatively agree that amended Claim 15 overcomes XML Spy, Orr, and/or Bosworth. Claim 15 now recites features that are not found in XML Spy, Orr, and/or Bosworth. Claim 15 recites in part:

> a sequence of one more data fragments, each data fragment having a different character encoding, the data fragment begins with a header indicating a character encoding and a length of the data in a corresponding fragment;
> wherein the data fragments contain binary data;
> wherein the reference encoding format defines how to map a sequence of octets into a lexical sequence of Unicode characters.

As explained above, these amended features are not disclosed, taught, or suggested by XML Spy, Orr, and/or Bosworth, alone or in combination.

Independent Claims 21 and 26 are amended along the same lines as Claim 15. Claims 21 and 26 are directed to a computer readable media and a method, respectively, and each is allowable for reasons similar to those discussed above with respect to Claim 15.

Dependent Claims 16-20, 22-25, and 27-39 depend from one of independent Claims 15, 21, or 26, respectively, and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant respectfully requests the §103 rejections of these claims be withdrawn.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103(a) rejection of these claims should be withdrawn.

CONCLUSION

Claims 15-39 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

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